

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Complaint No. 77/2007-08/CCP

Shri. Joseph Carneiro,
Plot 51, H. No. 1675, Journalist Colony,
Alto Betim, Bardez – Goa.

..... Complainant.

V/s.

1. Public Information Officer,
The Commissioner,
Corporation of the City of Panaji,
Panaji - Goa.
2. First Appellate Authority,
The Director of Municipal Administration,
Panaji – Goa.

..... Opponents.

CORAM :

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 28/04/2008.

Complainant present in person.

Adv. Shivan Dessai for Opponent No. 1. Opponent No. 2 absent.

ORDER

By his request dated 3rd October, 2007, the Complainant requested the Public Information Officer for the approved plans and the occupancy certificate in respect of "Shangrila Apts., A-building" in Panaji. The Public Information Officer initially stated on 23/11/2007, after more than 50 days that the records are not available. Consequent on the first appeal filed by the Complainant, an order is passed by the Director of Municipal Administration allowing the appeal. Thereafter, on 8th February, 2008, the occupancy certificate was given and regarding the approved plan the Public Information Officer informed that it is still not traceable.

2. On notice having been served on the Public Information Officer, Public Information Officer has taken the same plea, that the records are not traceable. There is no justification given for the delay in giving even this information to the Complainant after 50 days. Prime facie, it is clear that the Public Information Officer has not taken diligent steps to comply with the request for information. At the time of arguments, Complainant said that

...2/-

these are important records and that the Municipal Council is expected to keep these records in case the occupants want any changes in the plan of the original construction or any violations by the occupants are reported. It is admitted that the Municipal Council of Panaji, the predecessor body of Municipal Corporation of Panaji has issued licence, approved the plans and the occupancy certificate was also issued by them. There is no evidence produced to show that the construction plans approved by the Municipal Corporation can be destroyed after a certain period of time. We agree with the Complainant that it is an important document and forms part of the record of the Municipal Corporation. We also cannot keep quiet on the plea that the document cannot be given to the citizen because it is not traceable. We, therefore, direct the Public Information Officer to reconstruct the file by obtaining a copy of the plan recommended by the Town & Country Planning Department or the P.D.A., Panaji and also from the record of the minutes of the meeting of the then Municipal Council of the Panaji approving the construction.

3. Further, as the Public Information Officer did not show any sufficient interest in dealing with the request for information within the time allowed for its disposal, he should explain why penalty proceedings should not be started against him under section 20 of the Right to Information Act and to impose penalty of Rs.250/- per day from 3/4/2007 till the documents are given. Case to come up on 26/05/2008 at 11.00 a.m. for further hearing.

4. Pronounced in the open court on this 28th day of April, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner, GOA.

Sd/-
(G. G. Kambli)
State Information Commissioner, GOA.